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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,588	09/28/2001	Keisuke Matsumoto	0042-0457P-SP	2385
2292	7590	01/20/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WALKE, AMANDA C	
		ART UNIT	PAPER NUMBER	
		1752		
DATE MAILED: 01/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/964,588	MATSUMOTO ET AL.
Examiner	Art Unit	
Amanda C Walke	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 September 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/28/01 . 6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al (2001-075242 in view of its English language abstract or 6,461,803; column and line citations are for the US Patent) in view of Akao et al (5,827,584).

Suga et al disclose a silver halide color negative photographic material comprising at least one red-sensitive, at least one green-sensitive, and at least one blue-sensitive silver halide emulsion layer coated onto a support, wherein the material has an ISO of 640 or more, preferably 800 or more (abstract and column 5, lines 14-16). The grains of the invention preferably comprise at least 50 % of the total grain projected area, preferably 95% (column 34, lines 54-59) and have an aspect ratio of 10 or more, most preferably 12 or more (column 15, lines 5-9 and the examples). The grains of the reference preferably have at least 10 dislocation lines per grain (column 16, lines 50-64 and claim 8). The exemplified material of the reference meets the limitations of the instant claims for the silver content and thickness of the material (starting in column 57). The reference teaches that the film cartridge used in the invention is preferably made of a synthetic plastic comprising an antistatic agent such as carbon black, but the reference fails to provide details on such a cartridge.

Akao et al disclose an injection molded article for photosensitive materials (such as a patron for photographic film, or cartridge for photographic film). The article comprises a thermoplastic resin, and it appears that, as demonstrated by the examples, a lightsensitive material and the article may be arranged such that they are in the same gas-phase atmosphere and sealed in a package (i.e. material and spool being sealed in the cartridge). The resin preferably has added to it carbon black (such as #950 by Mitsubishi which is preferred by the instant application which would inherently meet the limitations of the instant claims for the type of carbon black) and an antioxidant. The reference discloses preferred phenol-based antioxidants which meet the instant claim limitations for the compound of formula (TS-1) and the limitations of the instant claim 20 for the molecular weight of the compound (many of the examples of the reference employ phenolic antioxidants). The reference teaches that the inclusion of the antioxidant to the resin to prevent the oxidation of the resin and the carbon black increases the antistatic property, the blocking preventative property, and the light-shielding property of the article.

Given the teachings of the Suga et al reference that any known film cartridge that comprises a plastic and carbon black may be employed and the teachings of Akao et al, it would have been obvious to one of ordinary skill in the art to prepare the material of Suga et al choosing to employ the cartridge of Akao et al having high heat durability, abrasion resistance, rigidity, and has no ill effects of the quality of the film (column 5, lines 42-55) with reasonable expectation of achieving a film material having high sensitivity and color reproduction.

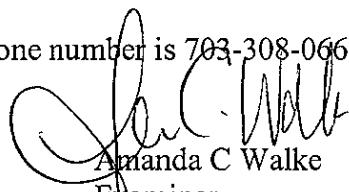
***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akao et al (5,906,813 and 6,013,723) are cited for their teachings of similar materials.
- 4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1321. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Amanda C Walke  
Examiner  
Art Unit 1752

ACW  
January 11, 2004